

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANITA ADAMS,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

C22-1767 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant City of Seattle's motion to seal, docket no. 26, is GRANTED in part, DENIED in part, and DEFERRED in part, as follows:

(a) The motion is GRANTED with respect to the unredacted versions of the Declaration of Randall Lowell and Lowell's Report, which is attached as Exhibit 1 to his declaration, docket nos. 40 & 40-1, and these documents shall remain under seal;

(b) The motion is also GRANTED with respect to the unredacted versions of Exhibits 9, 10, 14, 15, 16, 17, 18, and 20 to the Declaration of Jeffrey Weber, docket nos. 42-1–42-8, and these materials shall remain under seal;

(c) The motion is DENIED with respect to the duplicative copy of the Declaration of Jeffrey Weber, docket no. 42, an unredacted version of which, docket no. 29, is already publicly available, and the declaration (but not the exhibits enumerated in Paragraph 1(b), above) shall be unsealed; and

(d) The motion is DEFERRED with respect to the unredacted version of defendant's motion for summary judgment and to exclude plaintiff's expert's opinions, docket no. 37, and the motion to seal remains noted for April 5, 2024. In

its dispositive motion, defendant argues that plaintiff could not obtain financing for the proposed construction, that plaintiff's cost estimates are speculative, that plaintiff lacks standing because she cannot establish the requisite injury, and that plaintiff's expert's "alternative financing" analysis is flawed. These matters are not within the range of subjects "traditionally kept secret," and they do not meet the "compelling reasons" standard for sealing significant portions of a motion for summary judgment. *See Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006). Moreover, sealing all of the sections of defendant's dispositive motion that have been redacted from the publicly-available version, docket no. 27, will hamper the Court's ability to summarize or quote defendant's contentions in its ruling. In conjunction with her response to the motion to seal, which is due on April 1, 2024, plaintiff shall show cause why the unredacted version of defendant's motion for summary judgment, docket no. 37, should not be unsealed and/or submit a proposed version of defendant's motion that is appropriately redacted, omitting only specific income amounts and debt-to-income ratios.

(2) Pursuant to the parties' stipulation, docket no. 44, the cross-motions for summary judgment, docket nos. 27 and 34, are RENOTED to April 26, 2024. The deadlines for response briefs (March 21, 2024) and reply briefs (April 5, 2024) that are set forth in the Minute Order entered September 22, 2023, docket no. 21, shall remain in full force and effect. Any brief by an amicus curiae shall be filed by March 21, 2024. The parties' responses to amici briefs shall be filed by the new noting date, April 26, 2024. No reply by an amicus curiae shall be filed unless requested by the Court.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 18th day of March, 2024.

Ravi Subramanian
Clerk

s/Laurie Cuaresma
Deputy Clerk